

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

CUSTOMS AND TAX ADMINISTRATION
OF THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX
REFUND LITIGATION

Pertains to case numbers:

18-CV-9797, 18-CV-9841

Case No. 1:18-MD-2865 (LAK)

**NOTICE OF THIRD-PARTY DEFENDANT ED&F MAN CAPITAL MARKETS, LTD.’S
MOTION TO DISMISS
THE THIRD-PARTY COMPLAINTS OF DARREN WITTWER AND ROBERT CREMA**

PLEASE TAKE NOTICE that, in accordance with Federal Rules of Civil Procedure 12(b)(2), 12(b)(6) and 14, Third-Party Defendant ED&F Man Capital Markets, Ltd. (“ED&F”) hereby respectfully moves this Court, before the Honorable Lewis A. Kaplan, United States District Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, NY 10007, for an order dismissing the Third-Party Complaints of Darren Wittwer (“Wittwer”) (ECF No. 528) and Robert Crema (“Crema”) (ECF No. 529) in their entirety.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered by the Court on February 18, 2021 (ECF No. 537), Wittwer and Crema’s responses are due on or before May 14, 2021, and ED&F’s reply is due on or before June 4, 2021.

BINDER & SCHWARTZ LLP

Dated: April 15, 2021
New York, NY

By: /s/ Neil S. Binder
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